

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION

THE STATE OF TENNESSEE, et al.,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
—and—	)	
	)	Case No. 3:21-cv-308
ASSOCIATION OF CHRISTIAN	)	
SCHOOLS INTERNATIONAL, ET AL.,	)	District Judge Charles E. Atchley, Jr.
	)	
<i>Intervenor-Plaintiffs</i>	)	Magistrate Judge Debra C. Poplin
	)	
v.	)	
	)	
UNITED STATES DEPARTMENT OF	)	
EDUCATION, et al.,	)	
	)	
<i>Defendants.</i>	)	

**JOINT STATUS REPORT**

The parties, by their respective counsel and pursuant to the Court’s Order [Doc. 128], respectfully submit this joint status report.

Plaintiff States brought this action challenging the validity of guidance documents issued in 2021 by the Equal Employment Opportunity Commission (“EEOC”), the Department of Education (“Department”), and the Department of Justice seeking declaratory and injunctive relief and vacatur under the Administrative Procedure Act. On July 15, 2022, this Court granted Plaintiff States’ motion to preliminarily enjoin the Defendants from implementing the guidance documents against them, and it denied Defendants’ Motion to Dismiss. Doc. 86. On June 14, 2024, the Sixth Circuit affirmed this Court’s decision with respect to the Department’s guidance documents.

On October 1, 2022—during the pendency of the preliminary injunction appeal—another district court declared unlawful, vacated, and set aside EEOC’s Technical Assistance Document.

*Texas v. EEOC*, 633 F. Supp. 3d 824, 847 (N.D. Tex. 2022). EEOC chose not to appeal that decision. Because the Technical Assistance Document no longer has any legal effect, Plaintiff States' claims regarding the EEOC's Technical Assistance Document are moot.

Plaintiff States' and Intervenor-Plaintiffs' claims regarding the Department's Interpretation, Dear Educator Letter, and Fact Sheet remain active. However, on June 11, 2024, another district court issued a final judgment that declared unlawful, vacated, and set aside the same Title IX guidance documents at issue here. *Texas v. Cardona*, No. 4:23-cv-604-O, --F. Supp. 3d--, 2024 WL 2947022 (N.D. Tex. 2024). A motion filed by the State of Texas to amend or correct that court's final judgment remains pending. *Id.* at Doc. 39. Thus, the 60-day deadline for the federal defendants to seek appellate review in the *Texas* case has not yet started to run. Counsel for Defendants has advised that the Department has not yet decided whether it will appeal the Northern District of Texas's vacatur of its Title IX guidance documents. If the Department chooses not to appeal, Plaintiffs and Intervenor-Plaintiffs' claims challenging the Title IX guidance documents would become moot. Otherwise, this matter should proceed to briefing of dispositive motions.

Having met and conferred, and in the interest of judicial economy, the parties would propose the filing of a subsequent joint status report (a) within 90 days from the date of this filing, or (b) within seven days after (1) the Department files a notice of appeal in the related Texas case or (2) the deadline for filing a notice of appeal in that case has run—whichever occurs earlier—setting out which claims remain pending and a proposed schedule for the briefing of dispositive motions, if necessary.

Dated: July 30, 2024

Respectfully submitted,

JONATHAN SKRMETTI  
Attorney General & Reporter

/s/ Steven J. Griffin  
BRANDON J. SMITH  
*Chief of Staff*  
STEVEN J. GRIFFIN  
*Senior Counsel for Strategic Litigation*  
OFFICE OF THE TENNESSEE ATTORNEY  
GENERAL  
P.O. Box 20207  
Nashville, Tennessee 37202  
(615) 741-9598  
Brandon.Smith@ag.tn.gov  
Steven.Griffin@ag.tn.gov  
*Counsel for Plaintiff the State of Tennessee*

STEVE MARSHALL  
Attorney General

/s/ A. Barrett Bowdre  
A. BARRETT BOWDRE\*  
*Deputy Solicitor General*  
OFFICE OF THE ALABAMA  
ATTORNEY GENERAL  
501 Washington Avenue  
P.O. Box 300152  
Montgomery, AL 36130  
(334) 353-8892  
Barrett.Bowdre@AlabamaAG.gov  
*Counsel for Plaintiff State of Alabama*

TREG TAYLOR  
Attorney General

/s/ Cori Mills  
CORI MILLS\*  
*Deputy Attorney General, Civil Division*  
OFFICE OF THE ALASKA ATTORNEY GENERAL  
Alaska Department of Law  
1031 West 4th Avenue, Suite 200  
Anchorage, AK 99501  
(907) 465-2132  
Cori.Mills@alaska.gov  
*Counsel for Plaintiff State of Alaska*

TIM GRIFFIN  
Attorney General

/s/ Nicholas J. Bronni  
NICHOLAS J. BRONNI\*  
*Solicitor General*  
OFFICE OF THE ARKANSAS  
ATTORNEY GENERAL  
323 Center Street, Suite 200  
Little Rock, Arkansas 72201  
(501) 682-6302  
Nicholas.Bronni@arkansasag.gov  
*Counsel for Plaintiff State of Arkansas*

RAÚL R. LABRADOR  
Attorney General

/s/ Alan Hurst  
ALAN HURST\*\*  
*Solicitor General*  
IDAHO ATTORNEY GENERAL'S OFFICE  
700 W. Jefferson Street  
P.O. Box 83720  
Ste. C210  
Boise, ID 83720-0010  
(208) 334-5539  
alan.hurst@ag.idaho.gov  
*Counsel for State of Idaho*

KRIS W. KOBACH  
Attorney General

/s/ Kurtis K. Wiard  
KURTIS K. WIARD\*  
*Assistant Solicitor General*  
OFFICE OF THE KANSAS ATTORNEY GENERAL  
120 SW 10th Ave.  
Topeka, KS 66612  
(785) 296-7109  
kurtis.wiard@ag.ks.gov  
*Counsel for Plaintiff State of Kansas*

CHRISTOPHER CARR  
Attorney General

/s/ Stephen Petrany  
STEPHEN PETRANY\*  
*Solicitor General*  
OFFICE OF THE ATTORNEY GENERAL OF  
GEORGIA  
Georgia Department of Law  
40 Capitol Square SW  
Atlanta, Georgia 30334  
(404) 458-3408  
spetrany@law.ga.gov  
*Counsel for Plaintiff State of Georgia*

THEODORE E. ROKITA  
Attorney General

/s/ James A. Barta  
JAMES A. BARTA\*  
*Solicitor General*  
OFFICE OF THE ATTORNEY GENERAL OF  
INDIANA  
IGC South, Fifth Floor  
302 W. Washington St.  
Indianapolis, Indiana 46204  
(317) 232-0709  
James.Barta@atg.in.gov  
*Counsel for Plaintiff State of Indiana*

RUSSELL COLEMAN  
Attorney General

/s/ Marc E. Manley  
MARC E. MANLEY\*  
*Special Assistant Attorney General*  
KENTUCKY OFFICE OF THE ATTORNEY  
GENERAL  
700 Capital Avenue, Suite 118  
Frankfort, Kentucky 40601  
(502) 696-5300  
marc.manley@ky.gov  
*Counsel for Plaintiff Commonwealth of Kentucky*

ELIZABETH B. MURRILL  
Attorney General

/s/ Autumn Hamit Patterson

J. BENJAMIN AGUIÑAGA\*\*

*Solicitor General*

AUTUMN HAMIT PATTERSON\*\*

*Special Assistant Solicitor General*

OFFICE OF THE LOUISIANA ATTORNEY  
GENERAL

1885 N. Third Street

Ste. 7th Floor

Baton Rouge, LA 70802

(225) 326-6739

aguinagab@ag.louisiana.gov

*Counsel for Plaintiff State of Louisiana*

LYNN FITCH  
Attorney General

/s/ Justin L. Matheny

JUSTIN L. MATHENY\*

*Deputy Solicitor General*

OFFICE OF THE MISSISSIPPI ATTORNEY  
GENERAL

P.O. Box 220

Jackson, MS 39205-0220

(601) 359-3825

Justin.Matheny@ago.ms.gov

*Counsel for Plaintiff State of Mississippi*

ANDREW BAILEY  
Attorney General

/s/ Maria Lanahan

MARIA LANAHAN\*

*Deputy Solicitor General*

MISSOURI ATTORNEY GENERAL'S OFFICE

Post Office Box 899

Jefferson City, MO 65102

Tel. (573) 751-1800

josh.divine@ago.mo.gov

*Counsel for Plaintiff State of Missouri*

AUSTIN KNUDSEN  
Attorney General

/s/ Christian B. Corrigan

CHRISTIAN B. CORRIGAN\*

*Solicitor General*

OFFICE OF THE MONTANA ATTORNEY  
GENERAL

215 North Sanders

Helena, MT 59601

(406) 444-2707

christian.corrigan@mt.gov

*Counsel for Plaintiff State of Montana*

MICHAEL T. HILGERS  
Attorney General

/s/ Eric J. Hamilton

ERIC J. HAMILTON\*

*Solicitor General*

OFFICE OF THE ATTORNEY GENERAL OF  
NEBRASKA

2115 State Capitol

Lincoln, Nebraska 68509

(402) 471-2682

lincoln.korell@nebraska.gov

*Counsel for Plaintiff State of Nebraska*

DAVE YOST  
Attorney General

/s/ T. Elliot Gaiser

T. ELLIOT GAISER\*

*Solicitor General*

OFFICE OF THE OHIO ATTORNEY GENERAL

30 East Broad Street, 17<sup>th</sup> Floor

Columbus, Ohio 43215

(614) 466-8980

thomas.gaiser@ohioago.gov

*Counsel for the State of Ohio*

GENTNER DRUMMOND  
Attorney General

/s/ Zach P. West

ZACH P. WEST\*

*Assistant Solicitor General*

OFFICE OF THE OKLAHOMA ATTORNEY  
GENERAL

313 N.E. 21st Street

Oklahoma City, OK 73105

(405) 521-3921

zach.west@oag.ok.gov

*Counsel for Plaintiff State of Oklahoma*

ALAN WILSON  
Attorney General

/s/ James E. Smith, Jr.

J. EMORY SMITH, JR.\*

*Deputy Solicitor General*

OFFICE OF THE ATTORNEY GENERAL  
OF SOUTH CAROLINA

1000 Assembly Street

Columbia, SC 29201

(803) 734-4127

esmith@scag.gov

*Counsel for Plaintiff State of South Carolina*

MARTY J. JACKLEY  
Attorney General

/s/ Grant M. Flynn

GRANT M. FLYNN\*\*

*Assistant Attorney General*

OFFICE OF THE ATTORNEY GENERAL  
STATE OF SOUTH DAKOTA

1302 E. Hwy. 14, Suite #1

Pierre, SD 57501

(605) 773-3215

Grant.Flynn@state.sd.us

*Counsel for Plaintiff State of South Dakota*

PATRICK MORRISEY  
Attorney General

/s/ Michael R. Williams

MICHAEL R. WILLIAMS\*

*Principal Deputy Solicitor General*

OFFICE OF THE WEST VIRGINIA ATTORNEY  
GENERAL

State Capitol Complex

Building 1, Room E-26

Charleston, WV 25305

(304) 558-2021

Michael.R.Williams@wvago.gov

*Counsel for Plaintiff State of West Virginia*

/s/ Jonathan Scruggs

JONATHAN SCRUGGS\*

HENRY W. FRAMPTON\*

ALLIANCE DEFENDING FREEDOM

15100 N. 90th Street

Scottsdale, AZ 85260

(480) 444-0020

jscruggs@ADFLegal.org

hframpton@ADFLegal.org

*Counsel for Intervenor-Plaintiffs A.F., a minor, by  
Sara Ford, her mother, C.F., a minor, by Sara Ford,  
her mother, A.S., a minor, by Brandi Scarbrough, her  
mother, and Association of Christian Schools  
International*

/s/ Jacob S. Siler

JACOB S. SILER

ALLYSON R. SCHER

*Trial Attorneys*

U.S. Department of Justice, Civil Division

Federal Programs Branch

1100 L. Street, NW

Washington, D.C. 20005

(202) 353-4556

Jacob.S.Siler@usdoj.gov

Allyson.R.Scher@usdoj.gov

*Counsel for Defendants U.S. Department of  
Education, Miguel Cardona, Equal Employment  
Opportunity Commission, Charlotte Burrows, Merrick  
Garland, Kristen Clarke*

**\* Admitted Pro Hac Vice**

**\*\* Pro Hac Vice Application Pending**

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 30, 2024, the foregoing document was filed using the Court's electronic court-filing system, which sent notice of filing to all counsel of record.

/s/ Steven J. Griffin  
STEVEN J. GRIFFIN